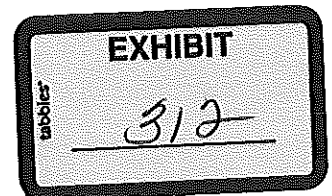




CITY OF DANBURY
DEPARTMENT OF PUBLIC UTILITIES
155 DEER HILL AVENUE
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BUREAU OF WATER PROTECTION AND LAND REUSE
OFFICE OF THE BUREAU CHIEF

FEB 05 2010

February 4, 2010

Mr. Paul E. Stacey
Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Planning and Standards Division
79 Elm Street
Hartford, CT 06106-5127

Re: Proposed Stream Flow Standards and Regulations (October 13, 2009)
Danbury Public Utilities – Comments on Proposed Regulations

Dear Mr. Stacey,

I spoke at the Public Hearing on January 21, 2010 about the proposed stream flow standards and regulations. My comments submitted at this hearing are also attached to this letter. I have additional comments on the impacts of these proposed regulations on Danbury's Water Supply System. These comments are as follows:

Danbury's water supply is comprised of surface water and groundwater withdrawals authorized by CT DEP Permit No. DIV-91-15. This diversion permit was issued pursuant to CGS 22a-368 and it will expire on March 25, 2024.

Although we are well aware that this diversion permit is exempt from meeting the regulations as currently proposed, we are very concerned about the significant impacts that the proposed stream flow standards and regulations will have on the operations and safe yield of our water supply when the diversion permit is renewed or modified. Section 26-141b-6. (e) of the proposed regulations clearly states that "the department, in issuing a permit pursuant to section 22a-368(b) of the Connecticut General Statutes to authorize the diversion of surface or groundwater from such system, or in renewing or modifying such a permit, shall consider and apply the Stream Flow Standards and Regulations to the maximum extent practicable." We are deeply concerned that the re-issuance of our existing diversion permit, when applying the Stream Flow Standards and Regulations to the maximum extent practicable, will result in a net safe yield loss of 13% to our

February 4, 2010

combined surface water and groundwater supplies when we seek to modify or renew this permit.

This presents a real problem for Danbury's continued search for additional sources of water supply. Additional pumping of the permitted Kenosia Well Field is the most practical short term water supply project. We have actively been working on this project. However, this additional pumping requires a request for a permit modification. We are concerned that such a request would result in a net loss of 1 million gallons per day (MGD) instead of a net gain of 1 MGD given the impact of the proposed regulations on a renewed diversion permit.

While it is true that we can leave the diversion permit as is until it expires in 2024, we will still need to actively plan to replace the 13% net safe yield loss that will be realized upon renewal of this diversion permit. We are already searching for additional sources of water supply to serve Danbury's water supply service area as well as assist with regional water supply needs. The additional pumping of the Kenosia Well Field is one of ten (10) specific projects that have been identified by Danbury for increasing the existing safe yield of our water supply to satisfy short term and long term water demands. Adoption of the proposed regulations negatively impacts our present day planning and consideration of participating in water supply interconnections outside of our immediate service area to help solve regional water supply needs. We cannot support these necessary water supply system interconnections until the safe yield impacts of the stream flow regulations are replaced in addition to our current water supply safe yield needs.

It is important to note that one of our potential water supply projects involves reviewing the feasibility of utilizing the Housatonic Well Field as a regional water supply. The Aquarion Water Company of CT owns the Housatonic Well Field and we have had past informal discussions with Aquarion regarding this project. Per recent discussions with Aquarion representatives, the proposed stream flow regulations will result in the elimination of the excess safe yield of the Housatonic Well Field, and the excess water that would have been available to help satisfy regional water supply projects will no longer exist as Aquarion will now have to rely on this source of supply to satisfy their normal water supply needs.

In addition to the water quantity impacts of these regulations, it is equally important to note that the water quality of our surface water will be negatively impacted by required releases of the proposed regulations. Lower water levels in the reservoirs would result in more algae growth, and higher concentrations of TOCs, iron and manganese.

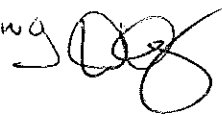
Known financial impacts include but may not be limited to the following:

- The costs to modify release structure and install monitoring equipment.
- An increase in required annual staffing and labor cost for operating and monitoring releases, reporting and other activities.



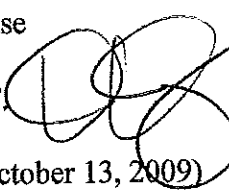
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* Read & submitted AT 1/21/10 DEP Public Hearing 

January 21, 2010

Memo To: Connecticut DEP, Bureau of Water Protection and Land Reuse

From: David Day, P.E., Superintendent of Public Utilities, Danbury, CT. 

RE: Proposed Stream Flow Standards and Regulations (As Published October 13, 2009)
January 21, 2010 Public Hearing Comments

My name is David Day and I am the Superintendent of Public Utilities for the City of Danbury, CT.

My comments on the proposed stream flow standards and regulations are as follows:

- As the Danbury water system does not have excess safe yield, the proposed regulations would have serious detrimental effects on our system.
- Significant issues facing Danbury due to these proposed regulations include the following:
 - 5% reduction in average day safe yield for existing surface water supplies.
 - 63% reduction in safe yield for existing groundwater supplies.
 - A net safe yield loss of 13%
 - A safe yield loss of 13% will result in a margin of safety at or near 1.0
 - A margin of safety of 1.0 or less will result in a moratorium on both additional customers and planned expansions by existing customers, which would have a severe economic impact to the Danbury Region.
 - Other financial impacts facing Danbury due to these proposed regulations include but may not be limited to:
 - Facility modifications,
 - Additional staffing,
 - Significant rate increases,
 - Funding of additional water supply projects beyond current planned projects.

- While it is nice to see that the State has considered the financial impacts of these regulations on State Agencies, the same complete analysis must be done for all parties impacted by these regulations. I therefore find that it is imperative that the following key questions be sufficiently reviewed, addressed, and answered by CT DEP and other appropriate State Agencies prior to acceptance of these or any other proposed stream flow regulations:

Question No. 1:

How can these proposed regulations be accepted without a true and complete analysis of their financial impact on municipal water companies, private water companies, water customers, and the service area of these utilities being known?

Question No. 2:

Where is the environmental emergency that exists that warrants the acceptance of these proposed regulations without knowing the true financial impacts that they will cause?

- In closing, while I certainly understand that good environmental stewardship only serves to help satisfy our mission to maintain pure and adequate water supplies, I strongly oppose the current proposed stream flow regulations and standards, as they are unfunded mandates that do not support this mission.

Thank you for the opportunity to be heard on this very important matter.